IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 472 of 2004

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/12/2003 in WP NO : 25195 OF 2003 on the file of the High Court.

Between:

Bhukya Khanna, S/o Somla,,
R/o. Railway Qrts. No. 21/1, RPF, Nalgonda

..... APPELLANT

AND

1. The Asst. Security Commissioner, Railway Protection Force, Guntur.
2. Naryana Reddy, Inspector/RPF, Enquiry Officer, RPF., Guntur.

.....RESPONDENTS

Counsel for the Appellant: MR.J.M.NAIDU

Counsel for the Respondent No. 1: MR.GOWRI SHANKER SANGHI (SC FOR RAILWAYS)

Counsel for the Respondent No. 2: MR.A.KRISHNAM RAJU

The Court made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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W.A.NO.472 OF 2004

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JUDGMENT: (PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)

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Heard the learned the learned counsel for the appellant and the learned standing counsel for the respondents.

At the request of the learned counsel on either side, the writ appeal itself is taken up for final disposal.

The writ petitioner has instituted this appeal against the judgment of the learned single Judge dated 11.12.2003 in W.P.No.25195 of 2003. He filed the writ petition complaining about the simultaneous conduct of the departmental enquiry during the pendency of a prosecution against him. Criminal Case No.392 of 2002 was registered against him alleging an offence under Section 306 of the Indian Penal Code. He was arrested on 04.10.2002 in connection with the Criminal Case, a charge sheet has also been filed and the prosecution is pending. While so, a departmental enquiry was initiated against him listing out five articles of charge including failure to inform about his arrest on 04.10.2002 in connection with C.C.No.392 of 2002, misconduct in intending and consenting to marry an unmarried woman during the subsistence of an earlier marriage, recording a false declaration in a public document under Section 5 of the Special Marriage Act to the effect that his status was that of an unmarried person and absenting from duty without information to his controlling officer.

The learned single Judge was pleased to dismiss the writ petition on the ground

that the misconduct alleged in the departmental enquiry was not identical to the subject matter of the prosecution.

There is no absolute bar even to simultaneous conduct of a departmental enquiry in respect of substantially similar charges in a prosecution. The objective of the two proceedings is distinct. The standard of proof and the sanctions consequent on a conviction or a finding of guilt, in the respective proceedings are also distinct.

We find no infirmity either in the application of law or in the exercise of discretion by the learned single Judge. Hence, we are not inclined to interfere in this appeal.

The writ appeal is accordingly dismissed. No costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 29th July, 2004.

YCR/GJ

To

1 The Asst. Security Commissioner, Railway Protection Force, Guntur
2 Naryana Reddy, Inspector/RPF, Enquiry Officer, RPF., Guntur

3. 2 C.D. copies.